IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 15729 of 2004

Between:

P.Nagamuni S/o. Yellaiah, Assistant Technician,
O/o. Non Conventional Energy Development Corporation of A.P. Ltd.,

Guntur.

..... PETITIONER

AND

1 The Vice-Chairman/Managing Director O/O Non Conventional Energy

Development Corporation of A.P Ltd.,

Pisgah Complex, Nampally, Hyderabad.
2 The District Manager O/O. Non Conventional Energy Development
Corporation of Andhra Pradesh Ltd., Guntur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Certiorari and call for the records on the file of the 1st respondent in his proceedings in Ref.No.NEDCAP/PERS/PV/GUNTUR/2004/1642 Dt.21.8.2004 and Quash the same and consequently declare the impugned orders as illegal, arbitrary, violative of all principles of Natural Justice.

Counsel for the Petitioner: MR.A.SURYANARAYANA MURTHY

Counsel for the Respondents: MR.G.BHASKAR

The Court made the following :

THE HONOURABLE SRI JUSTICE K.C.BHANU

WRIT PETITION NO.15729 OF 2004

ORDER:

Challenging the order dated 21.8.2004 passed by the Vice Chairman-cum-Managing Director in ordering recovery of Rs.1,05,800/- from the salary of writ petitioner in 60 equal monthly instalments starting from the month of August, 2004, the present writ petition is filed.

The learned counsel for the petitioner vehemently contended that the District Manager conducted enquiry and submitted a report to the Chairman, Vice Chairman-cum-Managing Director on 21.6.2004 requesting the head office to waive the amounts but that has not been considered by the respondents and therefore, the impugned orders suffer from serious infirmities.

On the other hand, the learned counsel for the respondent contended that as the

petitioner misused the subsidy amount, the impugned proceedings has been issued and therefore, the order under challenge does not suffer from any legal infirmities so as to call interference by this Court.

The allegation in the impugned proceedings dated 21.8.2004 is about the misutilization of the subsidy amount by the writ petitioner. A show cause notice was given to the writ petitioner for which he gave explanation dated 5.6.2004. The District Manager, Guntur also conducted an enquiry and submitted a report to the respondent vide proceedings dated 21.6.2004. The District Manager in his report recommended to the head office to consider the change of names as requested by the concerned staff and the remarks on the P.V.report may be closed and the penalties imposed on the concerned staff may please be waived off. But, this report has not been considered by the respondents in passing the present impugned proceedings. Therefore, the impugned order has been passed without application of mind and without considering the relevant report submitted by the District Manager. Therefore, the impugned proceedings are liable to be set aside and the same is accordingly quashed. However, quashing of the impugned proceedings will not preclude the first respondent in passing appropriate decision considering all the material available on record including the report submitted by the District Manager, dated 21.6.2004.

The writ petition is allowed accordingly. No order as to costs.

09.12.2004.

mdaa.

To

1 The Vice-Chairman/Managing Director O/O Non Conventional Energy

Development Corporation of A.P Ltd.,

Pisgah Complex, Nampally, Hyderabad.

2 The District Manager O/O. Non Conventional Energy Development Corporation of Andhra Pradesh Ltd., Guntur.

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